

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

WILLIE HARRIS, #1150192,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:05cv115-MHT
	)	(WO)
SGT. SMITH, et al.,	)	
	)	
Defendant.	)	

**ORDER**

There being no objections filed to the Recommendation of the Magistrate Judge filed herein on April 11, 2007 (doc. no. 23), and after an independent and de novo review of the record, said Recommendation is hereby adopted, and it is the

ORDER, JUDGMENT and DECREE of the court that:

1. Defendants' motion for summary judgment (doc. no. 9) is DENIED;
2. Plaintiff's claim that defendants used excessive force against him is REFERRED BACK to the Magistrate Judge to conduct an evidentiary hearing.

DONE, this the 1st day of May, 2007.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE